



# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
 **DUPPLICATE**

Address to:	Attorney Docket No.	MI22-713
	First Named Inventor	Sandhu
	Express Mail Label No.	F 369520349
	Total Pages	

This is a request for a  continuation or  divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08 / 886,388 filed on 7/1/97, entitled Method of Forming a Capacitor and a Capacitor Construc.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2.  A ~~preliminary~~ amendment is enclosed. (Response to Jan. 21, 1999 Final Office Action)
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....  
.....  
.....
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	2 -20 =	0	x \$ 0 =	\$ 0
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	1 -3 =	0	x \$ 0 =	0
MULTIPLE DEPENDENT CLAIMS (if applicable)(37 CFR 1.16(d))					+\$ =
					BASIC FEE (37 CFR 1.16(a)) 760
					Total of above Calculations = 760
Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).					
					TOTAL = 760

## 6. Small entity status:

- a.  A small entity statement is enclosed.
- b.  A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c.  Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 23 - 0925:

- a.  Fees required under 37 CFR 1.16.
- b.  Fees required under 37 CFR 1.17.
- c.  Fees required under 37 CFR 1.18.

8.  A check in the amount of \$ 760 is enclosed. (Chk. No.122213)

9.  Other: PTO Return Receipt Postcard.

.....

**NOTE:**

*The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.*

**10. NEW CORRESPONDENCE ADDRESS** Customer Number or Bar Code Label

021567

or  New correspondence address below

(Insert Customer No. or Attach bar code label here)

NAME	David G. Latwesen, Ph.D. Wells, St. John, Roberts, Gregory & Matkin, P.S.				
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**11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

NAME	David G. Latwesen, Ph.D.	Reg. 38,533
SIGNATURE		
DATE	1/9/99	



EL 369520349 4-15-99  
DEMARK OFFICE # 111C  
Murphy

APR 9 1955 5:14 PM THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 Application Serial No. .... 08/886,388  
3 Filing Date ..... Filed herewith  
4 Inventor ..... Gurtej S. Sandhu et al.  
5 Assignee ..... Micron Technology, Inc.  
Group Art Unit ..... 2811  
Examiner ..... W. Hughes  
5 Attorney's Docket No. .... MI22-713  
Title: Capacitor Constructions (As Amended)

**RESPONSE TO JANUARY 21, 1999 FINAL OFFICE ACTION**  
**RESPONSE TO ACCOMPANY CPA FILING**

To: BOX CPA  
Assistant Commissioner for Patents  
Washington, D.C. 20231

From: David G. Latwesen (Tel. 509-624-4276; Fax 509-8  
Wells, St. John, Roberts, Gregory & Matkin P.S.  
601 W. First Avenue, Suite 1300  
Spokane, WA 99201-3828

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## AMENDMENTS

### Amended Claims

Cancel claims 43 and 46-50.

44. (Once Amended) A pair of adjacent, stacked capacitors fabricated relative to a semiconductor substrate, the adjacent capacitors having a minimum lateral spacing from one another which is less than the minimum photolithographic feature dimension with which the capacitors are fabricated.